Jesse A. Kincaid

Petitioner

1st Councilmanic District

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

* * * * * * * * * *

* Case No. 89-5-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Frank Lee, property line surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 1833 Sutton Avenue, is zoned D.R. 5.5 and is improved with an existing older dwelling in which the Petitioner has resided for the past 13 years. Mr. Kincaid testified that he proposes subdividing the property and building a new dwelling on proposed Lot 2 which would be to the rear of the existing property facing Centre Street. Mr. Kincaid testified that without the requested variances he will be unable to build a new home and that a denial of same would result in practical difficulty upon him and his family.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 0/0 day of July, 1988 that the Petition for Zoning Variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > Chan M Nas towing ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 *491-3353*

J. Robert Haines

July 21, 1988

Dennis F. Rasmussen

Mr. Jesse Kincaid 1833 Sutton Avenue Baltimore, Maryland

RE: PETITION FOR ZONING VARIANCE NE/Corner Sutton Avenue and South Street 13th Election District; 1st Councilmanic District Case No. 89-5-A

Dear Mr. Kincaid:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

(M. Nestanowica ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs Enclosure cc: People's Counsel

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner

June 2, 1988

NOTICE OF HEARING

Dennis F. Rasmusser The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111

Petition for Zoning Variance CASE NUMBER: 89-5-A NE/C Sutton Avenue and South Street (1833 Sutton Avenue) 13th Election District - 1st Councilmania Petitioner(s): Jesse A. Kincaid. et ux HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 2:00 p.m.

W. Chesapeake Avenue in Towson, Maryland as follows:

VARIANCE to permit a rear yard setback of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in lieu of the required 25 feet for proposed Lot 2.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. POBERT HAINES Zouing Commissioner of Baltimore County

cc: Jesse A. Kincaid, et ux

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Mr. & Mrs. Jesse A. Kincaid 1833 Sutton Avenue

Baltimore, Maryland 21227 Res Petition for Zoning Variance CASE NUMBER: 89-5-A NE/C Sutton Avenue and South Street (1833 Sutton Avenue)

13th Election District - 1st Councilmanic Petitioner(s): Jesse A. Kincaid, et ux HEARING SCHEDULED: FRIDAY, JULY 15, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Kincalds

Please be advised that 72.85 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

No. 52943 BALTIMORE COUNTY, MARYLAND gn and post set(s), there OFFICE OF FINANCE - REVENUE DIVISION ee for each set not MISCELLANEOUS CASH RECEIPT Porting & adu. (B)123******7285: 2 815EF

"DUPLICATE" CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Petition for Zoning Variance
Case number: 89-5-A
NE/C Sutton Avenue and Sout
Street (1833 Sutton Avenue)
13th Election District
1st Councilmant: District
Petitiones(s):
Jesse A. Kincaid, et ux Hearing Date: Friday, July 15, 1988 at 2:00 p.m. Variance to permit a rear yard set-back of 15 feet in lieu of the required 30 feet for proposed Lot 1 and a front yard seteback of 20.5 feet in lieu of the required 25 feet for proposed Lot

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hear-I ROBERT HAINES Zoning Commissioner of Baltimore County

6/325 June 23.

for the time of the

TOWSON, MD., June 23, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each successive weeks, the first publication appearing on June 23, 1988

THE JEFFERSONIAN,

5. Zehe_Olmo Publisher

37.50

Variance from Section __1802_3C.l____To_permit_a_rear_yard_settack_of_15_feet_in____ lieu of the required 30 feet for proposed Lot 1 and a front yard setback of 20.5 feet in liew of the required 25 feet for proposed Lot 2. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

DATE 12 - 8 - 11

200 BF

1000 B.F

Lot 1 - Rear yard setback of 15 ft. due to existing house and proposed lot size.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Lot 2 - Setback of 20.50 ft. because of setbacks and house size.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Jesse A. Kincaid (Type or Print Name) (Type or Print Name) Leace A Summer Carole J. Kincaid (Type or Print Name) Laure 0-1 City and State Attorney for Petitioner: (Type or Print Name) ____1833 Sutton Ave. 301-247-9122 Baltimore, MD 21227

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ty, this _____ day of this petition be advertised, as pers of general circulation throughc hearing be had before the Zoning e Building in Towson, Baltimore

Commissioner of Baltimore County. 8 8 Cll******3500:a 2212F

VALIDATION OR SIGNATURE OF CASHIER Ptione: 687-6922

> FRANK S. LEE Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

April 7, 1988

No. 1833 Sutton Avenue 13th District Baltimore County, Maryland

Beginning for the same at the northeast corner of Sutton Avenue and South Street, thence running and binding on the northeast side of Sutton Avenue North 38 degrees 42 minutes West 80 feet, thence leaving Sutton Avenue and running North 51 degrees 18 minutes East 181.91 feet to the southwest side of Centre Street, thence running and binding on the southwest:side thereof South 12 degrees 15 minutes East 89.50 feet to the northwest side of South Street, and thence running and binding on the northwest side thereof South 51 degrees 18 minutes West 142.04 feet to the place of beginning.

Containing 12,958 square feet of land more or less.

Dennis F. Rasmussen
County Executive

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

1833 Satton AVE BALGO. 2/227 1277 NEIGHBURS AVE 2123) JESSE ALBERT BLACAFO FRANK LEE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 28, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education Zoning Administration

Industrial

Department of Traffic Engineering

State Roads Commission

Bureau of

Mr. & Mrs. Jesse A. Kincaid 1833 Sutton Avenue Baltimore, Maryland 21227

> RE: Item No. 384 - Case No. 89-5-A Petitioner: Jesse A. Kincaid, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Kincaid:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Garage & Bulle JAMES E. DYER Chairman

Zoning Plans Advisory Committee

JED:dt Enclosures Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

May 23, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 362, 381, 382, 383, 384 385, 386 and 389.

> Very truly yours, Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/pml-b

ZONING OFFICE

#89-5-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______ day of ______, 1983.

Petitioner Jesse A. Kincald, et ux Received by:

Petitioner's Chairman, Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-450C Paul H. Reincke Chief

May 18, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Jesse A. Kincaid, et ux

Location: NE/C Sutton Avenue, and South St.

Item No.: 384

Centlemen:

Zoning Agenda: Meeting of 5/3/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: At Joseph Jelly 5-16-88 Approved:

Planning Group

Special Inspection Division

Noted and
Approved:

Fire Prevention Bureau

BOTMORE COUNTY, MAROLD INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner FROM P. David Fields, Director
Office of Planning and Zoning

SUBJECT Zoning Petitions #89-4-A, 89-5-A, 89-14-A, 89-15-A, 89-16-A, 89-17-A, 89-19-A, 89-21-A, 89-23-A, 89-25-A, 89-27-A, 89-28-A, 89-29-A, and 89-34-A

There are no comprehensive planning factors requiring comment on these petitions.

Office of Planning and Zoning

Date June 20, 1988

PDF/jat cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

cc: Mr. & Mrs. Jesse A. Kincaid



OWNEZ JESSE KINCAID 1833 SUTTOU AVE BALTO, MD. ZIZZT PORCH. 551'-18' W FRANK S. LIN 1277 NEIGHBORS AVE. BALTIMORE, MD. 21297 TTO ACCOMPANY PETITION FOR VARIANCES To permit a front yard setback of 20.50 feet inlieu ot the required 25 feet

LOTS 37-40 PALL OF TOWN OF ST. DEUNIS

PLAT BOOK 1-9

ISTHIDISTRICT BALTIHORB CO. MARZYLAND CATTLE A-7-88

CPS-008